

REMARKS

Applicant respectfully requests reconsideration of this application as amended. No Claims have been amended, Claims 1-103 have been cancelled without prejudice. Claims 104-138 have been added as New. Therefore, claims 104-138 are now presented for examination.

35 U.S.C. § 102 and § 103 Rejections

Payton

The claims stand rejected under either 35 U.S.C. §102(b), as being anticipated by or under 35 U.S.C. §103(a), as being obvious in view of Payton, U.S. Patent No. 5,790,935 ("Payton").

The new claims more clearly refer to a unique multi-stage process as described in the specification. Such a process was alluded to in the first and second content descriptors of Claim 1 and the details provided by Claim 88, for example. Note that in new Claim 104, the further content descriptors are broadcast in response to the demand data and that the following broadcasted content corresponds to some of the further content descriptors.

Payton does not use such a multi stage approach. While the system receives feedback, the selections are made in a single cycle of send and receive.

In addition, the new claims clarify that the content descriptors include a portion of the corresponding content.

In Payton, it would appear that only lists are sent to the viewer. There is no suggestion that the lists include a portion of the content. As further clarified in Claim 2, a portion of the content would be in the form of a clip, a short, or a trailer.

As a further distinction, in, for example, Claim 132, the broadcasted data is selectively stored according to a demand data table at the client. In Payton, all of the transmitted data is stored because the server determines what will and will not be stored.

These changes clearly distinguish the present invention from the cited references and accordingly, Applicants submit that the rejections are, respectively, traversed.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

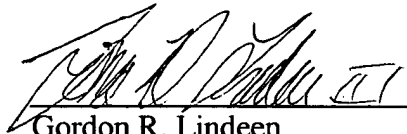
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: September 29, 2008



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